



TRIBAL INFORMATION SHARING WORKING GROUP
PM-ISE • DOI • BIA • DOJ • OTJ • OJP • NCTC • FBI • DHS • IACP

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FOREWORD

The Program Manager for the Information Sharing Environment (PM-ISE) is the national office for responsible information sharing. Our vision of national security through responsible information sharing is implemented through our three part mission which includes: advance responsible information sharing to further counterterrorism and homeland security missions; improve nationwide decisionmaking by transforming information ownership to stewardship; and promote partnerships across federal, state, local, and tribal governments, the private sector, and internationally.

We have organized a working group to explore information sharing in Indian Country. The Tribal Information Sharing Working Group (TISW) assessed information sharing issues that affect tribes across the United States, with an original goal of increasing participation in the national network of state and major city Fusion Centers. Through this process, the working group came to understand a number of issues that led to two key insights that form the basis for this paper and its call to action:

- “Tribal” is not just another level of government after state and local. Instead, Indian Country experiences its own unique challenges such as lack of connectivity to databases; unbalanced participation; in some cases partial inclusion; and deserves to be treated on its own terms.
- In keeping with the Administration’s guidance on transparent, participatory, and collaborative approaches, the work of developing this paper was done in full partnership with our state, local, and tribal mission partners, and non-governmental forums.

Based on these insights, the TISW developed recommendations to improve responsible information sharing to enhance justice and public safety in Indian Country. My Senior Tribal Advisor, Joe LaPorte, chaired the TISW and leads this effort because of his extensive experience working both in national tribal law enforcement efforts, as well as on tribal affairs within the federal government. Mr. LaPorte joined the office of the PM-ISE in September 2010 after serving a detail to the National Counter Terrorism Center representing Indian Country. Before federal service, Mr. LaPorte served over 30 years in numerous state, local, and tribal law enforcement positions culminating with his serving as Director of Public Safety at the Little River Band of Ottawa in Michigan. Mr. LaPorte is also the Chair of the Indian Country Section and Executive Committee Member of the International Association Chiefs of Police; a board member of the FBI’s Criminal Justice Information Services Advisory Policy Board and Chair of its Tribal Task Force; as well as several other state, local, and national committees.

As we move forward to enhance responsible information sharing in the United States, it is essential that we further strengthen Indian Country participation and impact in our whole-of-government initiatives. It is our intention that this paper catalyzes development of national policy addressing the justice and public safety challenges faced by Indian Country.

Kshemendra Paul
Program Manager, Information Sharing Environment

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EXECUTIVE SUMMARY

The May 2010 National Security Strategy calls for developing lines of coordination among federal, state, local, tribal, territorial, nongovernmental, and private-sector partners, in addition to individuals and communities, in the interest of integrating homeland security efforts nationwide.¹ Although significant improvements have been made in coordinating the efforts of federal, state, and local law enforcement agencies, tribal law enforcement and the nation would benefit from robust information sharing between all law enforcement agencies – federal, state, tribal and local.

Federally recognized tribes and their law enforcement entities oversee 60 million acres in 36 states, and they are responsible for vast areas that include international borders. It is therefore of critical importance that Native American law enforcement agencies not be excluded or omitted during the development of future information sharing policies. This White Paper examines the gaps in law enforcement information sharing across jurisdictions that involve tribal law enforcement, and makes a compelling case for full inclusion of Indian Country in all national policy on information sharing and safeguarding.

There has been sporadic progress toward addressing current challenges, opportunities, and information sharing programs in Indian Country.² However, policymakers often overlook the impact on Indian Country and fail to seek input from tribal authorities during the development of policy. In some states, for example, tribal policing agencies are not included within the statutory definition of a law enforcement entity: hence, tribal law enforcement is not afforded peace officer status and may be denied access to valuable resources, like NCIC. . Merely adding the word “tribal” to policy that has been developed without consultation with tribal stakeholders is misleading and weakens the relationship between native and non-native Americans.³

The [2010 Tribal Law and Order Act](#) (TLOA), a key piece of legislation, addresses some aspects of these issues at the federal level. With the TLOA as a foundation, this paper seeks to build upon the directives, initiatives, and remaining challenges to strengthening the security of our country through institutional change, with a particular focus on improved information sharing with law enforcement agencies in Indian Country.

This paper sets forth principles and recommendations for improving responsible information sharing with tribal law enforcement agencies, and identifies areas in which key stakeholders can help achieve the goal of full tribal inclusion in all information sharing and safeguarding policies. The objective is not to create an information sharing policy tailored for Indian Country, but to ensure that Indian Country is always included in any national-level policy planning in the future.

Core principles, such as the inclusion of Indian Country in the development of national law enforcement policy, and the basic understanding that all certified tribal law enforcement departments should be recognized by state, local, and federal governments as bona-fide police departments are essential to building trust and cooperation among law enforcement agencies in the interest of protecting the public.

¹ See http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

² Indian Country is defined by law 18 USC 1151(a) as (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through same.

³ See Executive Order 13175, 65 FR 67249 (Nov. 9, 2000) pertaining to federal agency consultation and coordination with tribal governments.

Key recommendations include:

- Affording full state and/or federal recognition of qualified public safety personnel of tribes as law enforcement officers;
- Affording the opportunity for all tribes to participate in investigative, analytical, and intelligence agencies;
- Surveying and assessing the level of tribal engagement, and facilitating tribal engagement in information sharing;
- Updating the language in law enforcement deputation agreements and Memoranda of Understanding (MOU) between the state government, local government, and the tribes;
- Documenting existing programs and partners that facilitate information sharing, utilizing existing frameworks;
- Strengthening collaboration and relationships between federal, state, local, and tribal law enforcement agencies;
- Implementing a more strategic national policy template or guidelines for information sharing that includes law enforcement entities in Indian Country;
- Increasing the use and integration of cross-deputization agreements; and
- Facilitating the development of information sharing privacy policies in tribal law enforcement agencies.

This White Paper is the product of collaboration among various professional associations and many government agencies, including the Office of the Program Manager, Information Sharing Environment (PM-ISE); the Department of the Interior (DOI); the Bureau of Indian Affairs (BIA); the Department of Justice (DOJ); the Department of Justice's Office of Tribal Justice (OTJ (OTJ)); the Department of Justice's Office of Justice Programs (OJP; the National Counterterrorism Center (NCTC); the Federal Bureau of Investigation (FBI); the Department of Homeland Security (DHS); and the International Association for Chiefs of Police (IACP).

The Tribal Information Sharing Working Group (TISW) urges leaders and policymakers at all levels to embrace the notion that we are indeed one nation, indivisible, with liberty and justice for all—and to institute changes concerning tribal information sharing that promotes justice and the protection of all people in the United States.

I. INTRODUCTION AND PURPOSE

A tribal police officer working alone on a midnight shift receives a complaint from the local casino regarding a patron who failed to pay for a meal. A description of the vehicle is given, along with the license plate number.

Following standard operating procedures, the officer in such a situation would use the license plate number to get the most current information on the vehicle and its owner in order to ascertain whether there is reason for a felony stop of the vehicle. However, in some states tribal officers are not able to either access or contribute to state switches of national level databases that contain vital information regarding possible gang or terrorist links.⁴ In such cases, officers may be exposed to potentially dangerous situations, placing both them and the public at greater risk. If tribal law enforcement officers had access to the same information and databases as federal, state, and local officers, they would have fewer obstacles to successfully completing their missions or objectives.

From a public safety perspective, it is difficult to justify denying law enforcement officers access to all state or federal criminal justice databases. Unfortunately in Indian Country, this situation is too often the norm. Scenarios like the one described above are played out every day, primarily due to a lack of information sharing and the lack of a strategic national plan that includes law enforcement officials working in Indian Country.

The Tribal Information Sharing Working Group (TISW)⁵ developed this White Paper to explain why qualified tribal criminal justice agencies from federally recognized tribes should be equal partners in a national policy of law enforcement information sharing, and to set forth a framework for accomplishing this goal. This paper advocates for the full inclusion of tribes in a national policy on law enforcement information sharing and safeguarding, building on key provisions of the Tribal Law and Order Act of 2010 (TLOA).

BACKGROUND

In the United States there has been a longstanding need for better information sharing throughout the law enforcement community, and even more so since September 11, 2001. As part of its mission, the Information Sharing Environment (ISE) provides analysts, operators, and investigators with the information on terrorism, weapons of mass destruction, and homeland security threats they need to enhance national security. This serves to ensure the safety of U.S. citizens. For example, investigative, analytical, and intelligence entities such as the national network of fusion centers, Joint Terrorism Task Forces (JTTFs), High Intensity Drug Trafficking Area (HIDTA) Programs, and Regional Information Sharing Systems (RISS) centers all have the ability to disseminate the information needed to help keep the country safe.

Tribal law enforcement involvement and inclusion is a vital and necessary part of any national law enforcement information sharing initiative. The federal government's role in Indian Country's public safety stems from the U.S. Constitution, statutes, court decisions, and government-to-government

⁴ State switches enable access to federal and state databases.

⁵ The Tribal Information Sharing Working Group is an informal group of relevant federal government agencies and associations hosted by PM-ISE including: the Office of the Program Manager, Information Sharing Environment (PM-ISE); the Bureau of Indian Affairs (BIA); the Department of the Interior (DOI); the Department of Justice (DOJ); the Department of Justice's Office of Tribal Justice (OTJ); the National Counterterrorism Center (NCTC); the Federal Bureau of Investigation (FBI); the Department of Homeland Security (DHS); and the International Association for Chiefs of Police (IACP).

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relationships between the United States and the 566 federally recognized tribes.⁶ Due to a complex evolution of legal principles governing criminal jurisdiction in Indian Country, a given case might be handled by federal, tribal, state, local, or some combination of these authorities.⁷

For example, on many reservations violent felony crimes are subject to federal criminal jurisdiction. However, most tribes do not have routine federal police coverage; instead, policing is provided by a tribal police force. (On other reservations the BIA's Office of Justice Services may provide police services.) The tribal police may also be cross-deputized as deputy county sheriffs by any agency that borders the reservation, in situations where state law has been broken and arrests need to be made.⁸ Patrol services are generally provided by tribal police, and often tribal police are the first to respond to a crime: this is not the only jurisdictional situation, but it is a common one. Federal law enforcement usually includes investigative assistance for violent crime or serious felony offenses from the FBI. Because of the various law enforcement entities involved, efficient information sharing across jurisdictional lines and at all levels of government is imperative.

In 2010, Congress enacted the Tribal Law and Order Act (TLOA). One of the many things that TLOA did was to provide clear statutory authority for tribal law enforcement agencies to both access and provide information to national crime information databases. Section 233 of the TLOA (codified in 28 USC § 534(d)) allows tribal law enforcement agencies access to national crime information databases, including the National Crime Information Center (NCIC) System. This Act codified the existing practice by the FBI's Criminal Justice Information Services Division (CJIS) of allowing tribal criminal justice agencies the same level of access to NCIC as state and local law enforcement agencies.⁹

⁶ See 77 Fed. Reg. 47,868 (2012). <http://www.bia.gov/cs/groups/public/documents/text/idc-020700.pdf>

⁷ See U.S. Department of Justice, Criminal Resource Manual sections 674-689.

⁸ According to the Department of Justice's Office of Justice Programs, a cross-deputization agreement allows law enforcement personnel from state and tribal entities to cross jurisdictions in criminal cases. Cross-deputization agreements have been used to enhance law enforcement capabilities in areas where state and tribal lands are contiguous and intermingled. Under some agreements, federal, state, county/local, and/or tribal law enforcement officers have the power to arrest both Indian and non-Indian wrongdoers wherever the violation of law occurs. See <http://bjs.ojp.usdoj.gov/>

⁹ Tribal law enforcement personnel undergo the same training and certification required by state and local law enforcement personnel before being granted access to NCIC systems.

II. STATEMENT OF PROBLEM AND DISCUSSION

Disparities regarding information sharing, lack of connectivity to databases, unbalanced participation, and forced “work-arounds” reduce the efficiency and effectiveness of tribal law enforcement efforts, negatively affecting local public safety. Increasingly, national security is also affected through the compromise of trans-border security and the penetration of tribal communities by entities actively engaged in seeking to harm U.S. citizens and institutions.

The large number of Indian Country tribes on our borders makes these communities more vulnerable to national security threats.¹⁰ A national law enforcement information sharing policy that includes Indian Country is therefore a critical component of a comprehensive national strategy for domestic and international security. However, to date, tribal law enforcement has been largely left out of such policy-making efforts, or dealt with as an afterthought. Ways to incorporate tribal law enforcement and make it equal to all other law enforcement communities in our national security strategy must be considered at the outset of policy making. The “shall ensure” language in Section 233 (b)(1) of the TLOA imposes an obligation upon the DOJ, specifically the FBI, to ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

In the wake of the September 11, 2001 attacks, Congress, through the Intelligence Reform and Terrorism Prevention Act (IRTPA), and the President, through Executive Order 13388, identified the crucial role that information sharing plays in national security and public safety. These mandates directed that immediate action be taken to improve information sharing in all aspects of our national security efforts, explicitly citing tribal communities as part of this effort. TLOA has further clarified these mandates and augmented these efforts by focusing on improving law enforcement capabilities in Indian Country.

The TLOA identifies seven Congressional findings, and six legislative purposes, including two primary impacts on information sharing goals:

- 1) to clarify the responsibilities of federal, state, tribal, and local governments with respect to crimes in Indian Country, and to increase coordination and communication among federal, state, tribal, and local law enforcement agencies, and
- 2) to enhance the flow of information provided to tribal governments by encouraging the collection and sharing of criminal data with tribal authorities responding to crimes in Indian Country, enabling them to more effectively perform the task of law enforcement.¹¹

While some progress has been achieved on these fronts, structural and institutional problems are impeding full implementation of the information sharing provisions of TLOA. These include:

- Lack of cooperation by some states to allow tribal criminal justice agency access to criminal information sharing databases, such as the FBI’s National Crime Information Center (NCIC), as provided for in 28 USC § 534(d).¹²
- Lack of awareness by tribal criminal justice agencies about how to submit data to federal criminal information sharing databases.

¹⁰ According to the National Congress of American Indians (NCAI), more than 25 Indian tribes govern lands that are either adjacent to borders or directly accessible by boat from the border. These tribal lands encompass more than 260 miles of international borders.

¹¹ See section 202 of TLOA.

¹² Each tribe has the right to decide whether or not to participate at their discretion.

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- Lack of willingness by some tribal criminal justice agencies to participate in and share criminal justice data with state agencies.
- The failure to appropriate implementation funding provided by TLOA.

In 2007, the White House issued the National Strategy for Information Sharing (NSIS), which states:

“Tribal governments are critical to our efforts to prevent future terrorist attacks and to respond if an attack occurs. ... Tribal officials are often best able to identify potential threats that exist within their jurisdictions. They are full and trusted partners with the Federal government ... and therefore they must be a part of an information sharing framework ... that supports ... two-way flow of information.”

This policy statement was followed by Intelligence Community Directive 501,¹³ which changed the philosophy of “need to know” to “duty to share,” and noted that the intelligence community acts as a steward of information with a “responsibility to provide” needed information to federal, state, local, and tribal officials. Tribal authorities believe that it is important to be equal partners with federal law enforcement authorities, and that bidirectional information sharing is of critical importance, as it relates to security and safeguarding on a national level.

As a result of these developments, a number of federal information sharing resources became more accessible to tribal law enforcement agencies, and tribal participation in law enforcement information sharing was further codified in TLOA.

It is of critical importance that tribal public safety agencies be empowered to participate in criminal justice information sharing activities to the same extent that non-tribal public safety agencies are able to. Ensuring that tribal agencies are full partners in information sharing efforts promotes key public safety goals both on and off reservations, and these efforts are supported both by federal policy and law.

In December, 2012, the White House issued the new [National Strategy for Information Sharing and Safeguarding](#) (NSISS), which states:

“Our national security depends on our ability to share the right information, with the right people, at the right time. This information sharing mandate requires sustained and responsible collaboration between federal, state, local, tribal, territorial, private sector, and foreign partners.”

Additionally, the NSISS indicates that the imperative to secure and protect the American public is a partnership shared at all levels, including federal, state, local, tribal, and territorial.

¹³ http://www.dni.gov/files/documents/ICD/ICD_501.pdf

III. FINDINGS

Many of the PM-ISE and mission partners' efforts are focused on addressing and improving foundational policy, governance, relationship, and capacity issues related to tribal information sharing. That said, information sharing between federal, state, local and tribal law enforcement organizations across the country is inconsistent. Geography and local relationships often dictate and influence the type of information being shared. Indian Country participation in certain areas of information sharing, such as analytic, intelligence, and investigative entities (fusion centers, JTTFs, HDTAs, RISS Centers, etc.), and other southern and northern border communication issues, demand our attention.

The members of the Tribal Information Sharing Working Group have determined, based on experience, knowledge, and understanding of circumstances and affairs in Indian Country, a variety of issues which impede full realization of the intended benefits of TLOA. These include:

- Lack of tribal participation in fusion centers in some states;
- Barriers and challenges related to tribal access to national databases;
- Tribal authorities experiencing limited or no access to national and state information databases, and to Nlets;
- Lack of tribal law enforcement in some states;
- Lack of trust between some tribes and the state or federal government;
- A need for improved interoperability between federal, state, local, and tribal entities.

Opportunities for improvement of information sharing practices include continued use of the Nationwide Suspicious Activity Reporting Initiative (NSI), which has seen success with many tribal law enforcement entities; and the Department of Interior's Incident Management Analysis and Reporting System (IMARS), which could help improve records management in Indian Country.

1. FUSION CENTER PARTICIPATION

FINDING: Tribal law enforcement participation in fusion centers is an area for improvement, and can be enhanced in a variety of ways.

Tribal law enforcement is a vital participant in the fusion center mission, as tribal officers are frequently the first and only responders to a potential security threat. A variety of challenges continue to exist, including a lack of resources; the reluctance of some states to allow tribal law enforcement access to federal and state databases; in some places, tribal reluctance to engaging with outside entities; insufficient training on the utilization of fusion center resources; and conflicts over tribal law enforcement accreditation. However, opportunities to increase tribal information sharing with the National Network of Fusion Centers (National Network) are available. For example, DHS, in partnership with DOJ, continues to support tribal engagement in fusion centers by facilitating tribal participation in Fusion Liaison Officer (FLO) Programs; joint training; facilitating tribal exchanges; documenting and sharing best practices, including lessons learned; and sharing resources between both tribal partners and their respective fusion centers.

The National Network serves as the primary focal point within state and local jurisdictions for the collection, receipt, analysis, and sharing of threat-related information among federal, tribal, state, and local partners. Fusion centers empower frontline law enforcement, public safety, fire service, emergency

response, public health, critical infrastructure protection, and private-sector security personnel to lawfully gather and share threat-related information.

Fusion centers are owned and operated by state and local governmental entities, and are supported by federal partners through deployed personnel, training, technical assistance, exercise support, security clearances, and connectivity to federal systems, technology, and grant funding. Tribal law enforcement personnel are integrated into a number of fusion centers including Oklahoma, Arizona, Michigan, and Washington. Tribal presence in fusion centers is often facilitated through FLOs, which become links between their agencies and the fusion centers, helping to facilitate agency involvement in regional information exchanges. Programs such as FLO facilitate the two-way exchange of information and allow fusion centers to eliminate information sharing gaps on lands under primary tribal jurisdiction, thereby generating a robust snapshot of threats across the region and improved information sharing in all areas of concern.

Federal partners encourage tribal law enforcement participation in fusion centers in a manner that meets the needs of the local jurisdictions and is based upon local requirements. Such engagement may occur through participation in fusion center governance and/or advisory boards, participation in FLO programs, participation as analysts in the centers, or other innovative approaches that meet the needs of both the fusion centers and tribal partners.

2. NATIONAL CRIME INFORMATION CENTER (NCIC) AND OTHER CRIMINAL JUSTICE INFORMATION DATABASES

FINDING: Some states operate outside the goals of the Tribal Law and Order Act (TLOA).

The FBI's National Crime Information Center (NCIC) is a computerized information system available to law enforcement and criminal justice agencies. The system includes criminal justice data (information about missing and unidentified persons, known or appropriately suspected terrorists, stolen property, wanted persons, etc.) that can be accessed 24 hours a day, 365 days a year. From its inception, the NCIC has operated under a shared management concept between the FBI and state, local, tribal, territorial, and federal criminal justice agencies through the Criminal Justice Information Systems (CJIS) Advisory Policy Board (APB) process.

The passage of the TLOA validated the FBI's pre-existing policy of allowing tribal criminal justice agencies access to NCIC and other criminal justice information databases. Although the applicable law has been amended, policy, technical, and other challenges at the state and tribal levels still need to be overcome.

In 2011, a pilot project by the Department of Justice Office of Tribal Justice and other DOJ components worked to overcome policy challenges to ensure tribal access to the CJIS systems, including the National Crime Information Center (NCIC), the Integrated Automated Fingerprint Identification System (IAFIS), the National Instant Criminal Background Check System (NICS), Uniform Crime Reports (UCR), and others that have access to the different systems with different challenges including state laws and technical barriers.

Nineteen tribal police departments were identified that needed and desired NCIC access, but were unable to acquire it through the state CJIS Systems Agency (CSA) where the tribal agency is geographically located. They elected to access NCIC (CJIS Systems) through the DOJ connection instead of the state CSA where the tribe is geographically located. The DOJ CSA provides various federal and tribal criminal justice entities access to CJIS Systems. DOJ provides training, auditing, and other CSA responsibilities for the 19 tribal law enforcement agencies, as it does for certain other federal law enforcement branches.

Not all tribal law enforcement agencies have direct CJIS systems access through the state CSA. This lack of access limits their ability to effectively seek and share law enforcement information such as the direct ability to run arrest warrants, obtain basic criminal justice information, and enter tribal criminal justice data. The CJIS Systems are offered through the CJIS Systems Agency (CSA) of the 50 states, the District of Columbia, three territories, and a handful of federal agencies. CJIS has direct lines and connectivity to the CSAs. The CSA is responsible for security, auditing, training, quality control, and agreements, and is the liaison for all the federal, state, local, territorial, and tribal agencies they service; essentially the CSA is the access point for these agencies to access CJIS systems.

3. TRIBAL ACCESS TO STATE SWITCHES

FINDING: Tribal access to national and state information databases is hampered.

Tribal access to national and state information databases is a critical issue. Currently, most tribes have to use a state switch at the state CSA to gain access to CJIS Division Systems, as tribal authorities do not have direct access to FBI CJIS databases. Since there is no single tribal agency that holds responsibility for all tribal agencies, the primary access point would be granted through the state in which the reservation is geographically located. In some cases, states have denied tribal authorities access to state databases, as well as access to the state switch. In addition, some tribes are reluctant to agree with the terms of the state CSA agreement for access. In both situations, tribes are not able to access either state level data or data in the CJIS systems.

As an example of state database access, the Sex Offender Registration and Notification Act (SORNA), which can be found in Title I of the Adam Walsh Child Protection and Safety Act of 2006,¹⁴ sets forth minimum standards for sex offender registration and notification in the U.S. SORNA aims to close potential gaps and loopholes that existed previously and generally to strengthen the nationwide network of sex offender registration and notification programs. About 170 Indian Country jurisdictions have opted to participate in the program.

4. THE INTERNATIONAL JUSTICE AND PUBLIC SAFETY INFORMATION SHARING NETWORK/NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (Nlets)

FINDING: More tribal law enforcement entities should have access to Nlets.

Nlets is the nation's premier interstate justice and public safety network for the secure exchange of law enforcement, criminal justice, and public safety-related information. Tribes are sovereign nations, and as such, each tribe interacts with state, local, and federal law enforcement in a different way. In some states, tribes have comprehensive law enforcement agencies that can access Nlets through state-owned systems. Other tribes have less sophisticated systems of law enforcement, limiting their ability to access the state system. All tribes should have access to Nlets if the state does not object. However, the ability of the states to object to tribal access degrades the capability of information sharing across jurisdictions that is necessary to support investigations. Ideally, there would be a standardized national policy solution for this issue.

¹⁴ See Public Law 109-248.

5. NATIONWIDE SUSPICIOUS ACTIVITY REPORTING INITIATIVE (NSI)

FINDING: The NSI program has been effective in tribal law enforcement efforts, and federally recognized tribes currently have full access to SARs with no impediments.

The Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) has taken the procedures that law enforcement agencies have used for years and has developed standards, policies, and processes for law enforcement at all levels of government. These procedures include the gathering, documenting, processing, analyzing, and sharing of information that could potentially be related to terrorist activities.

The foundational principle of NSI is that these standards are based on behaviors that have been shown to be reasonable indicators of terrorism. Other core components of NSI include training; privacy, civil rights, and civil liberties protections; community outreach; and technological solutions. Together, these components make up a comprehensive program that is rooted in suspicious behaviors, focusing on “the what,” not “the who.”

NSI has been implemented in 73 state and major urban area fusion centers across the country, as well as within 56 federal government agencies. Outreach efforts have included other public safety partners, such as fire departments and EMS; probation, parole and corrections; dispatch centers; emergency management personnel; and private sector security. The NSI, through the National Network, reaches more than 14,000 law enforcement agencies in 46 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Key to the NSI process is a multifaceted training approach, designed to increase the effectiveness of state, local, and tribal law enforcement, public safety professionals, and other frontline partners. NSI assists in identifying, reporting, evaluating, and sharing pre-incident terrorism indicators to prevent acts of terrorism.

The overarching goal of this training strategy is to facilitate appropriate agency implementation of the SAR process, and to enhance a nationwide SAR capability. As part of this approach, the NSI has developed a SAR Line Officer Training video for frontline law enforcement personnel, for the purpose of training officers to recognize behavior and incidents that may indicate criminal activity associated with terrorism, while stressing the need to protect privacy, civil rights, and civil liberties.

In addition, the NSI Program Management Office (PMO), leveraging the National Network of Fusion Centers, the IACP Indian Country Law Enforcement Section, and several other national law enforcement associations, has provided line officer training and collateral material to tribal law enforcement officers.

6. RECOGNITION AND STANDARDIZATION OF TRIBAL LAW ENFORCEMENT

FINDING: Some states do not recognize tribal law enforcement as bona fide police departments.

For a variety of reasons, some state and local law enforcement entities do not fully recognize tribal law enforcement, and in some cases do not share information with them. Similarly, some investigative, analytical, and intelligence entities, though theoretically available to tribal law enforcement, have not fully engaged with the tribes.

Recognizing tribal enforcement authority remains a challenge in many states. However, in some areas of the country, tribal law enforcement is “cross-deputized” with local or state law enforcement in order to enable effective collaboration in law enforcement and information sharing. For example, in Michigan every tribal law enforcement agency has a cross-deputization program, with the exception of one, which

has only a limited agreement with the adjacent local law enforcement agency. In many parts of the country cross-deputization agreements are instituted in a relatively ad hoc way, without benefit of a national policy template or guidelines. This results in “one-off” solutions designed to meet local circumstances, as opposed to integration into a well-organized national network. One other obstacle to greater integration of information sharing is that some tribal agencies are reluctant to share their information with other entities, because they do not trust the state or federal government. Improving this situation has implications for national security, and as such should become a priority.

A pilot project is being developed in San Diego County, where the Sycuan Tribal Police Department is creating professional accreditation standards in consultation with associations such as the IACP, in order to ensure that tribal law enforcement agencies meet the same criteria as their state and local counterparts.

7. INTEROPERABILITY

FINDING: There should be a continued effort to upgrade technological capabilities in Indian Country.

Interoperability helps ensure that diverse systems work together effectively, allowing for information to be exchanged without any restrictions on access, and that any technical barriers that preventing information sharing between systems be overcome. This covers a variety of platforms and procedures, including the implementation of standards to promote compatibility and interaction, so that critical information can be shared both easily and securely.

For example, using a standardized memorandum of understanding (MOU) regarding the sharing of radio frequencies can help ensure interoperability between agencies and departments seeking to maintain border security, which continues to be a primary focus in the homeland security community. Federal and tribal law enforcement officials on the borders have a fairly good working relationship. However, in some areas, radio frequencies are not shared with tribes, whose lands lie on or near an international border, causing delays in information sharing.

Other issues related to interoperability include the level of technology and/or assets such as funding, personnel, and training that each tribe has access to, as well as varying levels of collaboration and cooperation between federal, state, local, and tribal law enforcement agencies.

8. INCIDENT MANAGEMENT ANALYSIS AND REPORTING SYSTEM (IMARS)

FINDING: IMARS could be an opportunity for improved records management in Indian Country and can provide tribal agencies with access to some federal databases.

The Department of the Interior (DOI) has made a significant investment in a records management system for all law enforcement reporting. This system is called the Incident Management Analysis and Reporting System (IMARS). IMARS is designed to provide seamless information sharing between all seven DOI law enforcement programs and to provide a consistent, reliable way to share information with partner agencies.

The DOI is making IMARS available for tribal use at no cost, either for the system or for future upgrades. IMARS is fully compliant with the National Incident Based Reporting System requirements, and is web-based allowing access through any computer with Internet access. In addition to incident reporting and

analysis, IMARS provides a set of robust functions including Suspicious Activity Reporting (ISE-SAR) using the ISE guided workflow and SAR reporting parameters defined by the ISE.

IMARS' core system can only be accessed through DOI government furnished equipment, but there will also be a cloud-based technology that tribal authorities will be able to utilize. The cloud based version for any computer to access will be made available to tribes that do not have access to federal law enforcement support. All federal law enforcement officers provided by BIA to the tribes will have direct access to IMARS using the DOI/BIA issued government computers. This is an important way to help tribal authorities gain access to much-needed information related to law enforcement efforts, and to be able to enter information into the system as well. Background checks are not required for qualified tribal law enforcement officials, and implementation of access to IMARS is very close to being realized in certain tribes.

The biggest benefit of IMARS comes from the ability to query not only individual bureaus, but all participating bureaus within DOI for information (person, vehicle, property, address, etc.). This also gives the senior leadership of DOI, as well as the FBI, the ability to get the real-time (and time-bound) information so important in making sound management decisions regarding resource allocation, training requirements, funding redirection, etc.¹⁵

The DOI, the Assistant Secretary of Indian Affairs, and the Bureau of Indian Affairs (BIA) are committed to providing IMARS to tribal nations that express an interest. Beyond reducing the operating costs of legacy records management systems that are not compatible with SAR reporting, those tribal nations that choose to use IMARS will experience a profound and lasting benefit to their communities, while strengthening information sharing relationships with other stakeholders.

¹⁵ Time bound queries are made for any specific time period where the date and time is a variable. For example, you can choose a start and end date for a specific type of violation report you are seeking.

IV. PRINCIPLES

In order to address the institutional challenges identified above, and recognizing that all Native Americans are U.S. Citizens (see 8 USC §1401(b)), members of the TISW urge all federal, state, local, and tribal law enforcement entities to support and adopt the following principles in order to implement an integrated approach to law enforcement information sharing and safeguarding in Indian Country:

- Indian Country law enforcement agencies are an integral part of the law enforcement fabric of the United States. Therefore, development of national-level information sharing policies should be inclusive of tribes and tribal law enforcement concerns and consider the implications of national policies for tribal law enforcement agencies at the outset of policy development.
- Federal, state, and local law enforcement authorities should recognize the unique challenges and requirements with respect to justice and public safety information sharing in Indian Country, and should acknowledge that qualified public safety agencies of federally recognized tribes are a critical part of the law enforcement network that serves and protects our communities and our country.
- Federal and state information sharing entities are encouraged to fully engage with law enforcement entities serving Indian Country. Building partnerships with federally recognized tribal nations, including JTTFs, HIDTAs, RISS centers, and fusion centers, will promote information sharing and increase the public safety of all U.S. citizens.
- National-level information sharing policies should include specific procedures, tools, and information standards that tribal authorities can use to ensure responsible information sharing between Indian Country and the federal government.
- Police Officer Standards and Training (POST)-certified or equivalent tribal law enforcement officers should be recognized by federal and state law as state peace officers with the same right of access to systems, processes, training, communications infrastructure, and organizations as any other state recognized peace officers.

V. RECOMMENDATIONS

Two primary courses of action are recommended:

1. To endorse the principles enumerated in Section IV; and
2. To execute the steps below, which will help realize the principles outlined in Section IV.

While all of the recommendations that follow are necessary steps, it is understood that in the short term those without funding will not be pursued. For that reason, a set of short-term recommendations that can be implemented immediately with little or no cost, and that will have significant impact, are offered.

1. SHORT-TERM RECOMMENDATIONS

The following low-cost or no-cost recommendations can be implemented immediately, and will have a significant impact:

- Afford full recognition as law enforcement officers for qualified public safety personnel¹⁶ of federally recognized tribes who meet requisite training standards (e.g., State/POST certification or graduation from a federal Law Enforcement Training Center certified training program), with all commensurate rights and responsibilities.
- Afford the opportunity for qualified public safety officials of federally recognized tribes to participate in public safety information sharing activities at all levels, including entry and retrieval of appropriate data maintained by the FBI's Criminal Information Service Division, and access through the state switch.
- Afford the opportunity for qualified public safety agencies of federally recognized tribes to participate in investigative, analytical, and intelligence entities such as fusion centers, JTTFs, HDTAs, RISS centers, and other public safety information sharing activities, including entry and retrieval of appropriate data maintained or administered by states.
- Provide additional regional and joint training within existing programs as well as the opportunity for tribal police officers to obtain POST certification or the equivalent in the state in which they are located, or FLETC/law enforcement certification training, so that they can be recognized as state peace officers with full access to and participation in information sharing.
- Update the language that tribes and law enforcement use in developing Memorandum of Understanding (MOU)/Cross-Deputization Agreements, and institute a standard process for encouraging MOUs among the states.¹⁷
- Encourage fusion centers to include tribal outreach and engagement as a key component in their overall outreach and communication plans.
- Ensure that tribal partners have an opportunity to engage in and provide input to the Information Sharing and Access Interagency Policy Committee (ISA IPC) Fusion Center Subcommittee via the

¹⁶ "Qualified public safety personnel" for the purposes of this paper are POST and/or federally certified law enforcement officers, and each department follows the same rules and regulations that are in place. They meet qualifications for access, which is not unique to tribal law enforcement, but meeting these qualifications is essential for tribes.

¹⁷ The BIA Office of Justice Services (OJS) Special Law Enforcement Commission template has standardized language that can be used between BIA and the tribes. Each tribe may have different requirements, but there should be some standardization of requirements, with flexibility for nuance with certain states and tribes. For example, see <http://www.bia.gov/cs/groups/public/documents/text/idc012925.pdf>.

Criminal Intelligence Coordinating Council (CICC), as well as a meaningful relationship with the National Fusion Center Association (NFCA).

- Document existing successful programs, projects, activities, and partnerships that facilitate information sharing and strengthen the public safety partnerships that make communities safer.
- Add to and/or build on existing curricula and training programs and efforts that teach the skills needed to further information sharing efforts for safer communities.
- Evaluate which national-level publications, including tribal newspapers and newsletters, are currently being used by tribes across the country, and leverage these as tools to share information with tribes, to keep them “in the loop” and to provide situational awareness.
- In the interest of promoting a more collaborative, inclusive process, develop a communications feedback loop with tribes in a planned and consistent (not ad hoc) way. The creation of a network of points of contacts at various tribes could be used to help spread information to other tribes in their networks so that they are involved in the discussion, review, and vetting process of new policies and laws that affect their communities.

2. LONG-TERM RECOMMENDATIONS

- Utilize and implement new frameworks and models for improving information sharing with tribes, such as the framework developed by Johns Hopkins University.¹⁸ A full description of this structured information sharing initiative is included in Appendix B.
- Continue to utilize quantitative data questions from the annual fusion center assessment to aid in the assessment of tribal law enforcement participation in fusion centers.
- Strengthen the relationships and access to work collaboratively across DOJ (Office of Tribal Justice, FBI, U.S. Attorneys, OJP), DHS, IACP, and DOI, to build on information sharing efforts and initiatives with state, local, and tribal partners, to include the use of investigative, analytical, and intelligence entities.
- Implement a more strategic national policy template and/or guidelines for the increased use and integration of cross-deputization agreements in tribes across the country.
- Facilitate the development of information sharing privacy policies for tribal law enforcement agencies in order to affirm them as full and responsible partners throughout the ISE community by federal privacy and civil rights and civil liberties (CRCL) attorneys.
- Include tribal agencies in the development of information sharing environments at the state and local level.
- Survey and assess tribal engagement in investigative, analytical, and intelligence entities such as fusion centers, JTTFs, HDTAs, RISS centers, etc.
- Facilitate engagement from the federal government as a whole between public safety agencies of federally recognized tribes and other public safety partners in their region to coordinate the sharing of and access to information in accordance with federal, state, local, and tribal laws, regulations, and authorities.

¹⁸ Johns Hopkins University (2010, June). “A Proposed Approach for Information sharing between the Federal Government and Indian Country.” White Paper: Division of Public Safety Leadership, School of Education, Johns Hopkins University. Baltimore, Maryland.

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- Make qualified public safety agencies of federally recognized tribes full partners in the development and usage of interoperable communications, including national public safety broadband.
- Implement a performance monitoring system to account for progress of integrating tribal law enforcement according to the recommendations outlined above.

VI. CONCLUSION AND ACTIONABLE GOALS

This paper has identified various gaps in responsible information sharing that currently exist in Indian Country. While there are numerous additional areas for improvement, the principles and recommendations identified here provide a preliminary path forward for improved information sharing between federal, state, and local authorities, and tribal entities in Indian Country.

The primary objective of this effort is to build support for the principles, recommendations, and action steps outlined in this White Paper. The specific steps outlined in this paper will ensure the inclusion of tribes in the information sharing and safeguarding at the policy formulation stage instead of as an add-on or an afterthought during implementation.

Members of the Tribal Information Sharing Working Group (TISW) urge our colleagues and mission partners to be full and active participants in the execution of these recommendations, as they have been in supporting the drafting of this paper.

Extensive research and analysis, as well as a number of outreach meetings with representatives of various agencies and associations related to this effort have already been conducted. The following immediate steps are suggested, to help enact change:

1. Identify key players/participants and identify champions to follow through on feedback and metrics;
2. Garner support from key stakeholders (for example, The White House National Security Staff, ISA IPC, the National Sheriff's Association (NSA), Major City Chiefs Association (MCC), the National Governor's Association (NGA), etc.)
3. Specify projects/programs to be implemented, and add new language to the implementation guidance.

It is strongly recommended that in the short term, immediate action be taken on the low-cost or no-cost options, to help move forward on the goals we have outlined. It is important to note that the long-term recommendations are equally important, and should be addressed as soon as is feasible.

Those who should be involved in this initiative include, but are not limited to, the following:

- Members of the Tribal Information Sharing Working Group (TISW)
- The White House / The Executive Branch
- Tribal leadership
- The law enforcement community at all levels
- The Intel Community
- Congress
- Professional Associations
- The public

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The Tribal Information Sharing Working Group hopes to garner help, involvement, and support through a variety of methods, including the following:

- Comments posted on websites, blogs, email, or Twitter
- Formal letters of support for this initiative addressed to the TISW
- Partnerships and collaborations to help implement the recommendations put forward in this paper
- Contacting PM-ISE by email at outreach@ise.gov or through the website at www.ise.gov

While we have made great progress in recent years in improving information sharing with Indian Country, there is more work to be done, and it is of critical importance that action is taken to enact the positive changes that are needed. The Tribal Information Sharing Working Group urges leaders and policymakers at all levels to carefully consider and eventually institute the principals and recommendations outlined in this paper in an effort to improve responsible information sharing in Indian Country and to promote justice and the protection of public safety for all in our country.

APPENDIX A: ROLES AND RESPONSIBILITIES

1. DEPARTMENT OF JUSTICE (DOJ)

The mission of the Department of Justice is to enforce the law and to defend the interests of the United States according to the law; to ensure public safety against threats, foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

The Office of Tribal Justice (OTJ) is the primary point of contact for the Department of Justice with federally recognized Native American tribes, and advises the Department on legal and policy matters pertaining to Native Americans. The OTJ is also responsible for the following:

- Providing a single point of contact within the Department for meeting the broad and complex federal responsibilities owed to federally recognized Indian tribes.
- Promoting internal uniformity of Department policies and litigating positions relating to Indian country.
- Advising Department components for litigating, protecting, or otherwise addressing Native American rights and/or related issues.
- Ensuring that the Department clearly communicates policies and positions to tribal leaders.
- Maintaining liaison with federally recognized tribes, and working with the appropriate federal, state, and local officials, professional associations, and public interest groups.
- Coordinating, together with the Office of Legislative Affairs, the Department's legislative efforts relating to Indian country.

2. DOJ'S OFFICE OF TRIBAL JUSTICE (OTJ)

The Office of Tribal Justice (OTJ), a component of the Department of Justice (DOJ), serves as the primary point of contact for tribal governments at DOJ. Tribal government personnel who wish to contact DOJ about a tribal information sharing issue but who don't know who to talk to are free to contact OTJ for guidance. OTJ also coordinates and oversees DOJ's response to crime in Indian country. In this capacity, OTJ is in a position to ensure that DOJ components work together to improve information sharing with tribal governments, and to encourage other federal agencies to do the same. A brief description of some of OTJ's activities can be found at:

www.justice.gov/otj/infoshare.htmwww.justice.gov/otj/infoshare.htm.

3. DEPARTMENT OF THE INTERIOR (DOI)

The U.S. Department of the Interior (DOI) protects America's natural resources and heritage, honors our native cultures and tribal communities, and supplies the energy to power our future. DOI uses sound science to manage and sustain America's lands, water, wildlife, and energy resources, honors our nation's responsibilities to tribal nations, and advocates for America's island communities.

4. DOI'S BUREAU OF INDIAN AFFAIRS (BIA)

The protection of lives, resources, and property is at the heart of the BIA's law enforcement effort, which fully supports the Secretary of the Interior's ongoing commitment to safe and healthy Indian communities. Under the direction of the Deputy BIA Director, the Office of Justice Services (OJS) is responsible for the overall management of the Bureau's law enforcement program. Its main goal is to uphold the constitutional sovereignty of federally recognized tribes and to preserve peace within Indian Country.

OJS has seven areas of activity: Criminal Investigations and Police Services, Detention/Corrections, Inspection/Internal Affairs, Tribal Law Enforcement and Special Initiatives, the Indian Police Academy, Tribal Justice Support, and Program Management. OJS also provides oversight and technical assistance to tribal law enforcement programs when and where requested, and has primary responsibility for the investigation of crimes that occur in Indian Country.

Indian Affairs (IA) is the oldest bureau within the United States Department of the Interior. Established in 1824, IA currently provides services (directly or through contracts, grants, or compacts) to approximately 1.9 million American Indians and Alaska Natives. There are 566 federally recognized American Indian and Alaska Native tribes in the United States. The Bureau of Indian Affairs (BIA) is responsible for the administration and management of 55 million surface acres and 57 million acres of subsurface minerals estates held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. The Bureau of Indian Education (BIE) provides educational services to approximately 42,000 Indian students.

The Bureau of Indian Affairs (BIA) mission is:

"... to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives."

The Bureau of Indian Education (BIE) mission is:

"... to provide quality education opportunities from early childhood through life in accordance with the tribes' needs to cultural and economic well being in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The Bureau considers the whole person (spiritual, mental, physical and cultural aspects)."

5. OFFICE OF THE PROGRAM MANAGER, INFORMATION SHARING ENVIRONMENT (PM-ISE)

The ISE provides analysts, operators, and investigators with the integrated and synthesized information about terrorism, weapons of mass destruction, and homeland security needed to enhance national security and help keep the American people safe. These analysts, operators, and investigators come from a variety of communities—law enforcement, public safety, homeland security, intelligence, defense, and foreign affairs—and may work for federal, tribal, state, local, or territorial governments. They also have mission needs to collaborate and share information with each other and with private sector partners and our foreign allies. While they work in different disciplines and have varying roles and responsibilities, they all rely on access to timely and accurate information in order to achieve their mission responsibilities.

The ISE Program Manager (PM-ISE) works with these communities to improve the management, discovery, fusing, sharing, delivery of, and collaboration around terrorism-related information. The

primary focus is any mission process, anywhere in the United States, that is intended to, or is likely to have a material impact on detecting, preventing, disrupting, responding to, or mitigating terrorist activity. Federal agencies and tribal, state, local, and private sector partners—the ISE Mission Partners—are responsible for helping to protect our people and our institutions. Consequently, these agencies deliver and operate the ISE, and are accountable for sharing information to enable end-to-end mission processes that support counterterrorism.

6. DEPARTMENT OF HOMELAND SECURITY (DHS)

The Department of Homeland Security (DHS) has a vital mission: to secure the nation from the many threats we face. This requires the dedication of more than 240,000 employees in jobs that range from aviation and border security to emergency response, from cyber security analyst to chemical facility inspector. Though the duties of DHS employees are wide-ranging, all are engaged in the goal of keeping America safe.

Eleven days after the September 11, 2001, terrorist attacks, Pennsylvania Governor Tom Ridge was appointed as the first Director of the Office of Homeland Security in the White House. Under his leadership, the Office oversaw and coordinated a comprehensive national strategy to safeguard the country against terrorism and to respond to any future attacks.

With Congress's passage of the Homeland Security Act in November 2002, the Department of Homeland Security formally came into being as a stand-alone, Cabinet-level department to further coordinate and unify national homeland security efforts. The new DHS opened its doors on March 1, 2003.

7. FEDERAL BUREAU OF INVESTIGATION (FBI)

The FBI mission is to help protect American citizens, communities, and businesses from the most dangerous threats facing our nation. The FBI helps to defend and uphold our nation's economy, physical and electronic infrastructure, and democracy.

The FBI has been helping to ensure safety and security in Indian Country since its founding in 1908. Today, more than 100 special agents in 20 different field offices investigate cases on more than 200 reservations nationwide. The FBI works closely with a range of partners, including tribal police and federal agents from the Bureau of Indian Affairs. The exact role of the FBI in Indian Country varies from reservation to reservation, but generally the FBI is responsible for the most serious crimes—such as murder, child sexual and physical abuse, violent assaults, drug trafficking, and matters of public corruption.

8. THE FBI'S CRIMINAL JUSTICE INFORMATION SERVICES (CJIS)

The Criminal Justice Information Services (CJIS) Division is committed to introducing and training tribal criminal justice agencies in the applications of Law Enforcement Online (LEO), the National Data Exchange (N-DEX), the National Crime Information Center (NCIC), the National Instant Background Check System (NICS), Interstate Identification Index (III), and Uniform Crime Reporting (UCR).

The CJIS Division has designated a tribal liaison representative and identified points of contact for each CJIS Program. The members of the CJIS Tribal Working Group maintain contact with the Bureau of Indian Affairs, various tribal agencies, the Office of the Deputy Attorney General, the Office of Tribal Justice, and the Sex Offender Monitoring, Apprehending, Registering, and Tracking (SMART) Office. Recently,

the Advisory Policy Board's Executive Committee established a Tribal Task Force on Information Sharing and System Access.

The CJIS Division's Tribal Working Group facilitates tribal issues relating to connectivity to CJIS Systems/programs; connectivity issues with state, territory, and local jurisdictions; CJIS policy compliance; and CJIS program awareness. The CJIS Division has identified 371 tribal law enforcement Originating Agency Identifiers (ORIs), and also an increase of UCR ORIs from 25 to approximately 193. Tribal jurisdictions have in the past, and continue to submit criminal justice data to the NCIC files. In 2012, tribal agencies submitted 3,936 criminal and 1,409 civil fingerprints to the IAFIS. CJIS Program manuals and written guidance are available to tribal representatives on the Law Enforcement Online (LEO) program, which aids in introducing tribal entities to CJIS programs and systems. In addition, the CJIS Division can upon request provide training. CJIS Division staff continues to provide support during tribal conferences and criminal justice seminars with Indian Country agendas. LEO, N-DEx, NCIC, and UCR provide outreach to existing and new tribal partners: introducing systems; assisting with data submissions and individual connectivity issues; and/or training and performance measures.

9. THE FBI'S INDIAN COUNTRY CRIMES UNIT

Tribal governments and law enforcement agencies continue to work with the FBI to counter crime through participation in joint investigative efforts, liaison programs, and initiatives like the FBI-led Safe Trails Task Force (STTF). The STTF unites federal, state, local, and tribal law enforcement agencies to combat crime and enhance information sharing practices in Indian Country. There are 15 active STTFs. The FBI also has more than 100 special agents working in support of Indian Country investigations.

The FBI has multiple other avenues of outreach to state, local, and tribal agencies; including those along the northern and southern borders of the country. These include the Joint Terrorism Task Forces (JTTFs), formal liaison programs, LEO, eGuardian, the Law Enforcement National Data Exchange (N-DEx), and Field Intelligence Groups. The FBI's participation and leadership in multi-agency operations such as the Terrorist Screening Center, the National Counterterrorism Center, the Interagency Threat Assessment Coordination Group (ITACG), the High Intensity Drug Trafficking Areas Program (HIDTAs), Organized Crime Drug Enforcement Task Forces, the El Paso Intelligence Center, the Port Area Maritime Security Committees, and the Joint Interagency Drug Task Forces also provide a great venue for outreach with local and tribal agencies.

10. NATIONAL COUNTERTERRORISM CENTER (NCTC)

The National Counterterrorism Center (NCTC) serves as the U.S. Government's point of integration for analysis of the international terrorist threat and as the point of coordination for the U.S. Government's instruments of power to thwart the terrorist threat. As such, NCTC does not regularly engage with tribal, state, territorial, local, or private partners. NCTC, a Director of National Intelligence center, does not have the authorities to engage with Indian tribes on terrorism matters, but has in the past exercised its executive order 13175 authority to consult with tribes. NCTC currently shares information with DHS—and ostensibly to DHS-funded centers—through its secure, online SIPRnet website NCTC Current. NCTC's Current provides SECRET//NOFORN level analysis on the terrorist threat.

11. INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)

The International Association of Chiefs of Police is a comprehensive professional organization that “Serves the Leaders of Today and Develops the Leaders of Tomorrow.” The IACP is dedicated to meeting the needs of law enforcement executives. For over 100 years, we have been launching internationally acclaimed programs, speaking out on behalf of law enforcement, conducting ground-breaking research and providing exemplary programs and services to our membership across the globe. This mission continues today.

The IACP serves today’s leaders through advocacy, training, research, and professional services; addressing the most pressing issues facing leaders today. From new technologies to emerging threats and trends, the IACP provides comprehensive and responsive service to its members throughout the world. Professionally recognized programs such as the FBI Identification Division and the Uniform Crime Records system can trace their origins back to the IACP. From spearheading the national use of fingerprint identification to partnering in a consortium on community policing, to gathering top experts in criminal justice, the government, and education for summits on violence, homicide, and youth violence, IACP has positively affected the goals of law enforcement.

The IACP membership encompasses a diverse and exceptionally professional group. IACP members are able to participate in committees and sections of topical interest and network with law enforcement leaders from around the world. In addition, members are provided opportunities to participate in summits, project advisory boards, research endeavors, and more. These opportunities provide forums to strengthen professional development and increase leadership capacity.

Since 1983, the IACP Indian Country Law Enforcement Section has been a voice through which tribal policing concerns have been communicated and clarified within the IACP and between tribes and the federal, state and local areas in which they operate. This group of law enforcement executives, with support of the IACP, sponsored the 2001 national policy summit, Improving Safety in Indian Country that recommended several elements now approved in the 2010 Tribal Law and Order Act and continue to work to strengthen public safety through law enforcement collaboration throughout the United States.

The Indian Country Law Enforcement Section is organized and operated in accordance with the IACP constitution and functions as an integral part of the Association. The purpose of the section is to provide an adequate organization and opportunity for members of tribal law enforcement to promote a more intimate and meaningful relationship among tribal law enforcement leaders and assist the IACP to promote essential mutual interests, assistance, professional standards and policy issues relevant to Indian Country law enforcement agencies.

APPENDIX B: JOHNS HOPKINS FRAMEWORK OF APPROACH

The TISW has reviewed a Johns Hopkins University proposal, “A Proposed Approach for Information Sharing between the Federal Government and Indian Country” from June, 2010 and it is seen as a potential model for consideration. The Hopkins framework allows tribal governments to opt into a structured information sharing initiative that incentivizes tribes as well as state and local partners to collaborate and share national security and crime data with one another.

The framework offers tribes several levels of involvement, ranging from basic collaboration to full participation. This tiered structure allows tribal governments to balance their concerns about federal presence on their reservations with their own unique public safety needs. This framework would give the federal government the flexibility to approach each tribe individually and to address the unique needs of each tribe, allowing tribes to build trust and confidence as the program evolves, and as tribes opt into greater levels of participation.

Tribal governments that opt into the structured information sharing initiative would select the level of participation, and consequently the services and obligations that each level requires. The basic collaboration level (Tier 1) would provide funding to allow federal, state, and local partners to learn about the tribe’s culture, language, customs, and traditions. The tribe would be provided with federal funding to develop a training program to teach its local partners about tribal culture, language, customs, and traditions, with tribal representatives determining who should create the curriculum and teach the program. Additionally, partners would have the opportunity to meet at regular intervals to discuss the training program and other topics of common interest. This initial step would allow members of the tribe to acquaint themselves with their local partners, build trust and confidence among partners, and develop lasting relationships.

Tribal governments could also elect to engage in a deeper level of participation. Tier 2 participation would offer services and resources, and would grant access to support information sharing infrastructure, training and equipment. Services provided might include access to NCIC, Nlets, and other important law enforcement systems. Resources might include access to K-9, investigative services, and other specialized skills. At the Tier 2 level of participation, the tribe would be obligated to provide crime statistics, access to tribal officials, and clear lines of communication.

The highest level of participation—Tier 3—would provide for fully integrated tribal police, similar to the police agencies of any of the states. Tribes would enjoy cross-deputization arrangements, their own organic and integrity public safety service, and identical support and capabilities as provided to their local partners. Tribes electing to engage at this level of participation would be obligated to fully share crime data, reciprocate services and authorities, and participate in federal, state, and local analytic, intelligence, and investigative entities.

APPENDIX C: ABOUT THE TRIBAL INFORMATION SHARING WORKING GROUP (TISW)

The Tribal Information Sharing Working Group (TISW) is an informal group of relevant federal government agencies and associations hosted by PM-ISE, including: the Office of the Program Manager, Information Sharing Environment (PM-ISE); the Department of the Interior (DOI); the Bureau of Indian Affairs (BIA); the Department of Justice (DOJ); the Department of Justice's Office of Tribal Justice (OTJ); the Department of Justice's Office of Justice Programs (OJP); the National Counterterrorism Center (NCTC); the Federal Bureau of Investigation (FBI); the Department of Homeland Security (DHS); and the International Association for Chiefs of Police (IACP).